

Supreme Court of Kentucky

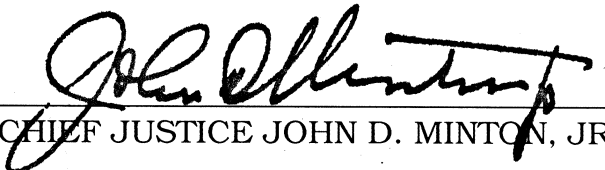
ORDER

**IN RE: ORDER APPROVING THE DOMESTIC VIOLENCE PROTOCOL
FOR THE 53RD JUDICIAL CIRCUIT AND DISTRICT,
ANDERSON, SHELBY, AND SPENCER COUNTIES**

Upon recommendation of the Judges of the 53rd Judicial Circuit and District, and being otherwise sufficiently advised,

The Domestic Violence Protocol for the 53rd Judicial Circuit and District, Anderson, Shelby, and Spencer counties is hereby approved. This order shall be effective as of the date of this Order, and shall remain in effect until further orders of this court.

Entered this the 21st day of May 2012.


CHIEF JUSTICE JOHN D. MINTON, JR.

**TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY
PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION
DOMESTIC VIOLENCE PROTOCOL
53rd JUDICIAL CIRCUIT AND DISTRICT
ANDERSON, SHELBY, AND SPENCER COUNTIES**

Pursuant to KRS 403.735, and in compliance with Family Court Rules of Practice and Procedure (FCRPP) Section IV, this local domestic violence protocol is established to ensure twenty-four hour accessibility to emergency protective orders and to establish written procedures for domestic violence matters in which there may be joint jurisdiction between the circuit/family and district courts.

I. Uniform Protocol for Processing Cases

- A. Circuit court clerks shall process domestic violence cases in accordance with the procedures set forth in the "Domestic Violence Proceedings" section of the Kentucky Circuit Court Clerk's Manual.
- B. All cases will be assigned a "D" case number with the appropriate trailer number within the court case management system and may not be consolidated with any other case type.
- C. No jurisdiction shall adopt a blanket "no-drop" policy. Domestic violence cases are civil matters within the purview of CR 41.01.
- D. Domestic violence cases shall be reassigned or transferred to another circuit as otherwise provided by law.

II. Twenty-four Hour Accessibility

- A. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **during** regular business hours:

Circuit Court Clerks and their deputies; County Attorneys and their assistants and staff; Jailers and deputy jailers; Sheriffs and deputy sheriffs; Police officers of Lawrenceburg, Shelbyville, Simpsonville, and Taylorsville; and Kentucky State Police.

- B. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **after** regular business hours and weekends.

All persons listed in paragraph II A. above.

- C. Upon receipt of a petition **during** regular business hours, the authorized agency/officer shall present the petition to the Family Court Judge. If the Family Court Judge is unavailable,

District Judge, and if no District Court Judge is available, another Circuit Judge may enter orders and process for the Family Court Judge. The Circuit court Clerk shall assign a hearing date for a Family Court Domestic Violence docket scheduled within the next fourteen (14) days.

In Anderson and Spencer Counties, in the absence of a Circuit or District Judge, the petition shall be presented to their respective Trial Commissioner. The Circuit Court Clerk shall assign a hearing date for a Family Court domestic violence docket scheduled within the next fourteen (14) days.

- D. Upon receipt of a petition **after** regular business hours, the authorized agency/officer shall present the petition, in Shelby County, to the Family Court Judge or in the absence of the Family Court Judge, the petition shall be presented to a District Judge, and in the absence of a District Judge, it shall be presented to another Circuit Judge.

In Anderson and Spencer Counties, in the absence of their respective Trial Commissioners, the petition shall be presented to the Family Court Judge. In the absence of the Family Court Judge, the petition shall be presented to a District Court Judge, and in the absence of a District Court Judge, it shall be presented to another Circuit Judge.

The Judge or Trial Commissioner issuing an EPO or process shall assign a hearing date for a Family Court Domestic Violence docket scheduled within the next fourteen (14) days.

- E. Petitions will be reviewed within an hour of presentation to a Judge or Trial Commissioner unless it is impossible due to the unavailability of a Judge or Trial Commissioner.
- F. The schedule for domestic violence hearings is as follows:

Anderson County: Every other Friday morning at 9:00 a.m. or as needed to comply with statutory requirements.

Shelby County: Tuesday mornings at 9:00 a.m. opposite the Family Court's Civil Motion Hour or as needed to comply with statutory requirements.

Spencer County: Every other Monday morning at 9:00 a.m. as part of the Family Court's Civil Motion Hour or as needed to comply with statutory requirements.


III. Contempt Proceedings

- A. Pursuant to KRS 403.760, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive.
- B. Petitioners seeking to initiate contempt proceedings should contact the office of the Circuit Clerk in the county where the Emergency Protective Order or Domestic Violence Order was issued.

C. No petitioner may be held in contempt for failing to appear at a domestic violence hearing or to prosecute a criminal violation of a protective order.


All general orders, forms, policies and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.

The above protocol is adopted by all judges in the Fifty-Third Judicial Circuit.



Charles R. Hickman
Circuit Judge, Division I

Date: 4/26/12



Linda S. Armstrong
District Judge, Division I

Date: 5/7/12



John David Myles
Circuit Judge, Division II
Family Court

Date: April 26, 2012



Donna G. Dutton
District Judge, Division II

Date: 4/30/12